

## **Medicaid: Background Screenings**

According to the DHS/DCFS Contract, Part II. D. 1. b.,

### *Background Screening Requirements*

*(1) For purposes of this Contract, "direct access" means that an individual has, or likely will have, contact with or access to a client that provides the individual with an opportunity for personal communication or touch, and "direct supervision" means that the person being supervised is under the uninterrupted visual and auditory surveillance of the person doing the supervising.*

*(2) Contractors licensed through DHS/OL shall provide direct supervision of all persons with direct access to clients until the applicant receives written verification of background screening clearance from DHS/OL. Direct supervision shall be performed only by an individual who has a current written verification of background screening clearance from DHS/OL.*

*(3) Contractors licensed through DOH shall provide direct supervision of all persons with direct access to clients until the applicant receives written verification of background screening clearance from DOH. Direct supervision shall be performed only by an individual who has a current written verification of background screening clearance from DOH.*

*(4) Contractors who are not licensed through DHS/OL or DOH shall provide direct supervision of all persons with direct access to clients until the applicant receives written verification of background screening clearance from the designated DHS/DCFS Background Screening Coordinator. Direct supervision shall be performed only by an individual who has a current written verification of background screening clearance from the designated DHS/DCFS Background Screening Coordinator. If the Contractor does not employ an individual qualified to provide direct supervision, then the Contractor shall have no direct access to clients until the Contractor receives written verification of background screening clearance from the designated DHS/DCFS Background Screening Coordinator. An applicant shall apply for a background screening clearance from the designated DHS/DCFS Background Screening Coordinator as follows:*

*a. Applicants shall complete a background screening application provided by the designated DHS/DCFS Background Screening Coordinator within 7 days of the date of hire, and annually thereafter. The application shall include the applicant's written authorization for DCFS to access and use information in the Utah SAFE Management Information System (MIS), the Utah Licensing Information System (LIS) and any criminal history information.*

*b. The designated DHS/DCFS Background Screening Coordinator shall access and review information in the Utah SAFE Management Information System (MIS), the Utah Licensing Information System (LIS), and the Utah Computerized Criminal History (UCCH) through the Utah Department of Public Safety, Bureau of Criminal Identification (BCI). If a review of the applicant's UCCH reveals nationwide criminal history information, the applicant shall submit fingerprints for a FBI national criminal history record check. If an applicant has lived outside of the State of Utah at any time during the past five years, the applicant shall submit fingerprints for a FBI national criminal history record check.*

*c. An applicant who refuses to provide all authorizations and information required by the designated DHS/DCFS Background Screening Coordinator in order to access MIS, LIS, and criminal history information, shall have no direct access to clients.*

*d. The designated DHS/DCFS Background Screening Coordinator shall provide written verification of an applicant's background screening clearance to the Contractor if the applicant has no supported or substantiated findings in the LIS or the MIS, has not entered a plea of guilty or no contest to any pending criminal charge, and has no criminal history record, except as specified below:*

*i. The designated DHS/DCFS Background Screening Coordinator shall provide written verification of background screening clearance if the only convictions in the applicant's criminal history record are misdemeanors or infractions that do not involve violence or sex, including but not limited to domestic violence, stalking, lewdness, assault, battery, pornography, sexual exploitation, or prostitution.*

*e. The designated DHS/DCFS Background Screening Coordinator shall provide written verification of background screening denial to the Contractor if the applicant has any supported or substantiated findings in the LIS or the MIS, any felony convictions, has entered a plea of guilty or no contest to any pending criminal charge, or has any convictions for misdemeanors or infractions that involve violence or sex, including but not limited to domestic violence, stalking, lewdness, assault, battery, pornography, sexual exploitation, or prostitution.*

*(5) The Contractor shall not permit an applicant whose background screening has been denied to have any further direct access to clients.*

*(6) The background screening applications and clearances required pursuant to this Contract shall be maintained in each applicant's personnel file.*

*(7) The Contractor shall require all individuals with direct access to clients to submit a new background screening application immediately after being charged with any criminal offense and immediately after being substantiated or supported for abuse, neglect or exploitation."*